

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, JUNE 11, 2014 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2014 through 5/2015	
		Present	Absent
Diana Waterous Centorino, Chair	A	0	1
Michael Madfis, Vice Chair	P	1	0
Roger Bond [arrived 6:35]	P	1	0
Caldwell Cooper	A	0	1
Karl Shallenberger	P	1	0
Fred Stresau	P	1	0
Sharon A. Zamojski	P	1	0
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Alternates			
Matthew Scott	A	0	1
Birch Willey	P	1	0

Staff

Bob Dunckel, Assistant City Attorney
Anthony Fajardo, Zoning Administrator
Lynda Crase, Administrative Aide
Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Mr. Shallenberger, seconded by Ms. Zamojski to request that until the final decision is rendered regarding staff recommendations, the public hearing notice should indicate that the Board may or may not agree with and/or rule with staff recommendations. In a roll call vote, motion passed 6-0.

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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	<u>Appeal Number</u>	<u>Applicant/Agent</u>	<u>District</u>	<u>Page</u>
1.	B14008	Mustafa Selcuk Cevic/ Daniel Acevedo – All Construction Systems For the Good of the City Communication to the City Commission	1	<u>2</u> <u>3</u> <u>3</u>

Board members disclosed communications they had and site visits made regarding items on the agenda.

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

Items were discussed out of order.

Call to Order

Mr. Madfis called the meeting to order at 6:30 p.m. He introduced Board members and determined a quorum was present.

Approval of Minutes – May 2014

Motion made by Mr. Stresau, seconded by Ms. Zamojski, to approve the minutes of the Board's May 2014 meeting. In a voice vote, motion passed unanimously.

1.	<u>APPEAL NO B14008</u>	Index
APPLICANT:	Mustafa Selcuk Cevic	
Agent:	Daniel Acevedo – All Construction Systems	
LEGAL:	BERMUDA-RIVIERA SUB OF GALT OCEAN MILE 38-46 B LOT 33 34 BLK A	
ZONING:	RS-8 (Residential Single Family Low Medium Density District)	
STREET		
ADDRESS:	3356 NE 42nd Court, Fort Lauderdale, FL	
DISTRICT:	1	
STAFF RECOMMENDATION: Staff recommends denial of the request		
Conditions of Approval: N/A		

Appealing: Section 47-19.5 Table 1 (Fences, walls and hedges)

Requesting an after the fact variance to permit a fence to be located on the property line abutting the right-of-way where the code states that a fence or wall exceeding two (2) feet six (6) inches in height must be setback a minimum of three (3) feet from the property line abutting the right-of-way.

Neither the applicant nor his representative was present.

Mr. Fajardo had spoken with the applicant, who informed him that he was in the process of getting a new survey needed for the application. The applicant had requested a deferral to the Board's next meeting.

Mr. Bond arrived at 6:35.

To address some concerns Board members had brought up at the previous meeting, Mr. Fajardo informed the Board that the fence met the transparency requirements; the applicant's representative had been informed that the planters could not remain in their current position and the fence columns in the right-of-way must be addressed at the Property and Right of Way Committee and the City Commission.

Mr. Madfis opened the public hearing. There being no other members of the public wishing to address the Board on this item, Mr. Madfis closed the public hearing and brought the discussion back to the Board.

Mr. Stresau wanted to hear the request rather than defer it. Mr. Dunckel stated if the request was heard and denied the applicant must wait two years for the application to be heard again and there would be a fee; if the request was continued, there would be no fee.

Motion made by Mr. Shallenberger, seconded by Mr. Stresau to defer the item. In a roll call vote, motion **failed** 1-5 with Ms. Zamojski, Mr. Shallenberger, Mr. Stresau, Mr. Willey and Mr. Madfis opposed.

Motion made by Mr. Stresau, seconded by Mr. Shallenberger to approve the application as presented. In a roll call vote, motion **failed** 0-6.

Report and for the Good of the City
None.

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Communication to the City Commission

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Regarding the City Attorney's agreement to research whether other municipalities had staff provide recommendations to their Boards of Adjustment, Mr. Stresau stated he, Mr. Willey and Mr. Bond had spoken with the City Commission and "received some assurances that at least four of the Commissioners understood that the word 'recommendation' was probably not the best route to go, but they also reserve the right to review the City Attorney's comments." He assumed the Commission would decide on this issue prior to their summer break.

Mr. Dunckel had performed the review for the City Attorney and found different criteria in different cities. In three cities, staff made no recommendation. Mr. Dunckel felt that if

staff recommended granting a request and the Board agreed, this could result in additional litigation from "dissident" neighbors.

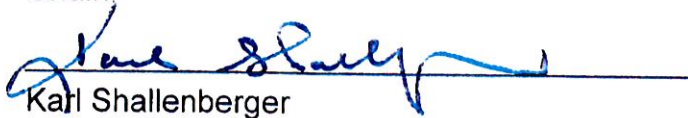
Mr. Willey pointed out that the staff recommendations appeared on this agenda.

Mr. Shallenberger suggested adding a sentence to the public notice indicating the Board may or may not agree with staff's recommendation so it was apparent that the hearings would not be a rubber stamping.

Motion made by Mr. Shallenberger, seconded by Ms. Zamojski to request that until the final decision is rendered regarding staff recommendations, the public hearing notice should indicate that the Board may or may not agree with and/or rule with staff recommendations. In a roll call vote, motion passed 6-0.

There being no further business to come before the Board, the meeting was adjourned at 7:01 pm.

Chair:


Karl Shallenberger

Attest:


ProtoType Inc.

Minutes prepared by: J. Opperee, Prototype Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.